

Remarks:

This application has been reviewed carefully in view of the Office Action mailed June 28, 2006 (“the Office Action”). The Office Action rejected claims 1, 7-11, 13-16, 5 24, 26-27 and 29-30, under 35 U.S.C. § 102(b), as being anticipated by Weiss. Claims 17-19 were rejected under 35 U.S.C. § 103(a), as being unpatentable over Weiss.

The applicant notes with appreciation that claims 3, 25 and 28 were objected to as being dependent upon rejected base claim, but found allowable if rewritten in independent 10 form including all the limitations of the base claim and an intervening and claims. The applicant notes for the examiner's convenience that allowable claims 3 and 28 are unchanged after the present amendments, and new claim 32 is substantively the same as previously allowable claim 25, but in independent form. The applicant further notes that new claims 31 and 33 recite features substantively the same as expressly recited in 15 previously presented (allowable) claim 28 (albeit with different dependancies). New claim 34 recites features related to previously presented (allowable) claim 28, and new claim 37 recites features related to previously presented (allowable) claim 25.

The above-described rejections are addressed as follows:

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I. The Applicant Requests Weiss Be Cited with Particularity

“It is important for an examiner to properly communicate the basis for a rejection so that the issues can be identified early and the applicant can be given fair opportunity to 25 reply.” “After indicating that the rejection is under 35 U.S.C. 103, the examiner should set forth in the Office action: (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate.” *See, M.P.E.P. § 706.02(j).*

30 The applicant appreciates that the Office Action citations to Weiss include reference numerals. Unfortunately, the Weiss reference uses the same reference numerals in reference to each embodiment described in Weiss. Thus, the use of reference numerals

in the Office Action do not provide specificity as to the relevant teachings of the prior art relied upon.

As discussed below, applicant respectfully traverses the assertion that Weiss discloses the claimed invention. Nevertheless, without a clear designation of the particular part of Weiss specification relied upon for the various asserted features, the applicant lacks a clear record to serve as a basis for response to the Office Action.

Therefore, the applicant respectfully requests that the rejection of claims be made with greater particularity. More particularly, the applicant requests the designation of the Weiss embodiment relied upon for the alleged disclosure of the features recited in the applicant's claims.

II. Weiss Fails to Anticipate Claims 1, 29 and Their Dependent Claims

The Office Action rejected independent claims 1, 29 and their dependent claims 7-11, 13-14, 27 and 30 under 35 U.S.C. § 102(b), as being anticipated by Weiss. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See, M.P.E.P. § 706.02, citing *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Weiss fails to disclose at least the following features of the rejected claims:

Previously Presented Claim 1: the enclosure is configured such that coolant supplied to the distribution plenum is received into the enclosure in a direction along a second lateral dimension with respect to the longitudinal dimension, and such that coolant received by the exhaust plenum is channeled out of the enclosure in the direction along the second lateral dimension. (emphasis added)

Previously Presented Claim 29: laterally exhausting the coolant from the exhaust plenum in the direction along the second lateral dimension.

Currently Amended Claim 14: the plurality of orifices are configured as downward pointing jets.

Regarding claims 1 and 29, the applicant respectfully traverses that the cited
5 reference discloses that coolant is channeled out of the enclosure in the claimed direction
along the second lateral dimension (i.e., the 'direction' in which "coolant [is] supplied to
the distribution plenum"). Claims 1 and 29 do not simply recite that coolant is channeled
out along the second lateral dimension, but rather that it is channeled out in the same
direction in which the coolant is supplied. Moreover, while the applicant cannot identify
10 which embodiment of the cited reference is referred to by the Office Action, the applicant
nevertheless asserts that Weiss does not disclose an embodiment in which the coolant is
channeled out of the enclosure in the presently claimed 'direction along the second lateral
dimension.'

15 For example, the applicant notes that stacked devices of the embodiment depicted
in Weiss FIG. 9 uses the fan units depicted in Weiss FIG. 8 on either longitudinal side of
(i.e., above and below) the devices. As depicted and described in Weiss, the fan units
expel air through an outlet opening 19 that is at a right angle to its air inlet opening 18.
Arrows in FIG. 9 thus show the direction of air coming in the inlet opening 18, and further
20 show air being routed toward outlet opening 19, which is normal to the page. Thus, this
embodiment of Weiss fails to disclose that coolant is channeled out of the enclosure in a
direction along the lateral dimension in which coolant is supplied to the distribution
plenum.

25 Likewise, the device depicted in FIG. 10 shows ventilation openings 26 and 27 for
a closed loop heat exchanger. These openings, which are intended for the supply and
exhaust of ventilation air, are on the same wall, and thus the air cannot be supplied and
exhausted in the same direction. Thus, this embodiment of Weiss also fails to disclose
that coolant is channeled out of the enclosure in a direction along the lateral dimension in
30 which coolant is supplied to the distribution plenum.

The applicant's note that this claimed feature advantageously provides for racks of
the enclosures to draw cooling air from a cool-air side of the rack and expel it on a warm-

air side of the rack, while being provided with the advantages of the vertical, jetted air cooling of components.

Regarding claim 14, the applicant asserts that this claim, as amended, is not disclosed or suggested in Weiss for reasons similar to those discussed with respect to 5 claim 24, below.

Because the cited art fails to teach or suggest the above-noted features in claims 1, 10 14 and 29, and because of claim dependencies therefrom, the Office Action fails to establish a *prima facie* case of anticipation for claims 1, 7-11, 13-14, 27 and 29-30. Accordingly, the rejections of these claims under 35 U.S.C. §§ 102(b) and 103(a) are 15 improper, and the applicant respectfully requests they be withdrawn.

III. Wong Fails to Anticipate or Make Obvious Claims 15-19, 24 and 26

The Office Action rejected claims 15-16, 24 and 26 under 35 U.S.C. § 102(b), as 20 being anticipated by Wong, and claims 17-19 under 35 U.S.C. § 103(a), as being obvious over Wong. Claims 15-19 and 26 depend from independent claim 24.

As amended, claim 24 recites "wherein the plurality of orifices are configured as 25 downward pointing jets."

Because the cited art fails to teach or suggest the above-noted feature in claim 24, the Office Action now fails to establish a *prima facie* case of anticipation. Accordingly, 20 the rejections of claims 15-19, 24 and 26 are now improper, and the applicant respectfully requests they be withdrawn.

IV. Conclusion

In view of the foregoing, the applicant respectfully requests that a timely Notice of Allowance be issued in this case.

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Respectfully submitted,

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